

In Re: Patent Application in USA
for "A Method for Modulating Metabolism of Nitric
Oxides,a Composition for Realising Thereof (Variants)
and a Method for Effecting Organism of a Patient in
Need of Correcting Metabolism of Nitric Oxides"

Serial No. 10/069,971
in the name of Nataliya V.BEDA et al.

DECLARATION

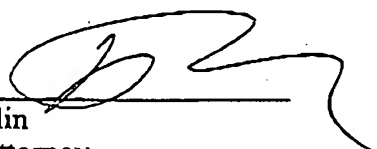
- 1) I, Vladimir Biriulin, am a patent attorney for Law Firm "Gorodissky & Partners", Ltd. of Bolshaya Spasskaya Str., 25 stroenie 3, Moscow 129010, Russia.
- 2) I do hereby declare that on February 14, 2002 The Institute of Molecular Genetics, Russian Academy of Sciences (IMG RAN) [Institut Molekulyarnoi Genetiki Rossiiskoi Akademii Nauk (IMG RAN)] instructed my firm to transfer into the national stage an International Patent Application (PCT/RU00/00362 filed September 11, 2000) for the invention entitled: " A Method for Modulating Metabolism of Nitric Oxides,a Composition for Realising Thereof (Variants) and a Method for Effecting Organism of a Patient in Need of Correcting Metabolism of Nitric Oxides."
- 3) The above application was to be transferred in a number of countries including USA.
- 4) Patenting of the invention was planned by the Russian Academy of Sciences where an ad hoc Committee selects inventions of its subordinate institutes for patenting abroad.
- 5) On January 30, 2002. The said Committee issued a directive instructing the Institute of Molecular Genetics to patent the above invention abroad. (Copy of Extract from the Minutes is enclosed) (Exhibit 1)
- 6) The inventions selected by the Academy's Committee are patented abroad at the expense of the Russian Academy of Sciences which allocates the necessary moneys for that purpose. (Exhibit 1).
- 7) The money allocated by the Russian Academy of Sciences was remitted directly to my firm in order that we pay the USPTO fees and the US Patent Attorney fees.
- 8) The above patent application was transferred in the national stage in a number of countries including US. The US patent application was filed on March 11, 2002 under Serial No.10/069,971.
- 9) The above patent application was filed in the name of the Institute of Molecular Genetics in all of the countries except the US where the Patent Law provides that

patent applications have to be filed in the name of the inventors and later may be assigned to a legal entity.

- 10) For the purpose of filing the application in US we were to prepare a Declaration and a Power of Attorney and have it signed by the inventors. We prepared the said Declaration and sent it to the Institute of Molecular Genetics for signing by the inventors.
- 11) On June 28, 2002, under cover letter of the Russian Academy of Sciences we received the Declaration signed by all of the inventors except for R.R.Rafikov and O.V.Rafikova. The cover letter stated that the inventors O.V. Rafikova and R.R.Rafikov had left the Institute and were working in the USA at the New York Medical Centre. (copies of the Applicant's cover letter and Declaration are enclosed herewith as Exhibit 2)
- 12) At the request of the Applicant Institute we prepared and sent to the Rafikovs a package of documents including the patent specification and claims and a Declaration and a Power of Attorney for signing.(copy of our cover letter of October 9, 2002 is enclosed as Exhibit 3)
- 13) On November 19-th, 2002 we received a letter from the Rafikovs stating that they would not sign the Declaration. They also insisted that their experimental data be withdrawn from the application. (a copy of their letter is enclosed as Exhibit 4)
- 14) On November 21,2002 we called the Applicant and informed them of the Rafikovs' decision.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signed this 11-th day of December, of the year two thousand and two.


Vladimir I. Biriulin
Partner, Patent Attorney

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